

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL  
LEAGUE PLAYERS' CONCUSSION  
INJURY LITIGATION

Kevin Turner and Shawn Wooden,  
*on behalf of themselves and  
others similarly situated,*

Plaintiffs,

v.

National Football League and  
NFL Properties LLC,  
successor-in-interest to  
NFL Properties, Inc.,

Defendants.

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

**CLASS COUNSEL PODHURST ORSECK, P.A.'S SUR-REPLY TO  
NFL PARTIES' MOTION SEEKING APPOINTMENT OF SPECIAL INVESTIGATOR**

Class Counsel, Podhurst Orseck, P.A., respectfully submits this sur-reply to the NFL Parties' reply (ECF No. 9972) concerning their motion to appoint a special investigator (ECF No. 9880). Unable to persuasively rebut the substantive arguments raised in our opposition to the NFL Parties' premature and overbroad request to appoint a boundless special investigator, the NFL speculates—without any basis—on our “self-interest[ed]” motive for filing a response on behalf of all Class members. (ECF No. 9972 at 6.) The NFL Parties’ ascription of motive is simply mistaken. We oppose their ill-advised motion as part of our obligation as Class Counsel to look out for the interests of the Class, for the reasons enumerated in the motion. Contrary to

the NFL Parties' unfair accusation, a speculative interest in fees has no bearing on our belief that the Special Investigator the NFL Parties seek is heavy-handed and premature.

The NFL Parties' reference to adverse audit reports concerning a few claims submitted by our clients as support for its contention (ECF No. 9972 at 6) is misleading at best. As the NFL Parties are aware, but fail to mention, the adverse audit reports relating to some of our clients involve the conduct of doctors and neuropsychologists, not any allegations of wrongdoing, misstatements, or omissions by our firm. In fact, it was our transparency in submitting all records received from a particular doctor that alerted the Claims Administrator to the need for an audit investigation in the first place. For the NFL Parties to use these audit reports to impugn our motives is unseemly. The only thing these audits demonstrate is that the Settlement's anti-fraud apparatus is working as intended, a point that undercuts the NFL Parties' contention that the apparatus needs to be dramatically augmented in a manner that risks chilling the participation of honest doctors and Class members and introducing extensive delays.

DATED: May 11, 2018

Respectfully submitted,

**PODHURST ORSECK, P.A.**

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 11, 2018, I caused the foregoing document to be filed with the United States District Court for the Eastern District of Pennsylvania via the Court's CM/ECF system, which will provide electronic notice to all counsel and parties.

/s/ Steven C. Marks  
Steven C. Marks, Esq.